

**IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF OHIO
WESTERN DIVISION**

LIZARD APPAREL AND PROMOTIONS, LLC, et al.,	:	CIVIL ACTION NO. 3:16-CV-238
	:	
PLAINTIFFS	:	Judge Walter Herbert Rice
	:	
VS.	:	
	:	
	:	DEFENDANTS' LIST OF LAY
IMPACT DESIGN LLC	:	WITNESSES
dba ALLCUSTOMWEAR.COM, et al.,	:	
	:	
DEFENDANTS	:	
	:	
	:	

Pursuant to this Court's October 24, 2016 Preliminary Pretrial Conference Order, Defendants Impact Design, LLC and Joshua Batz ("Defendants") identify the following lay witnesses whom it may call during the trial of this matter. This disclosure is based upon information known to Defendants at this time. Defendants reserve the right to supplement this list following discovery in this matter.¹

- 1. Joshua Batz**
Impact Design, LLC
4049 Pennsylvania Ave, Suite 205
Kansas City, Missouri 64111

Will testify about history of Impact Design, LLC, its business model, his own work history, and the relationship with the Plaintiffs Lizard Apparel & Promotions, LLC and Elizabeth Lybrook ("Plaintiffs"). Will also testify about the damages alleged by

¹ Defendants received initial interrogatory answers from Plaintiffs on February 14, 2017, in response to interrogatories served on both Plaintiffs on November 23, 2016. To the extent the interrogatory responses are inadequate, Defendants will attempt to work with Plaintiffs to resolve any issues and obtain more complete answers. Further, while Plaintiff Lizard Apparel provided certain records as an attachment to its interrogatory answers, Defendants still have not received the responses or documents responsive to the requests for production that were served on November 23, 2016. Defendants reserve the right to amend this list once they receive those responses, documents, and complete answers to the interrogatory responses served out of time.

Plaintiffs, Impact Design's affirmative defenses, and the damages caused by Plaintiffs to Impact Design.

2. **Lance Albritton**
Impact Design, LLC
4049 Pennsylvania Ave, Suite 205
Kansas City, Missouri 64111

Will testify about history of Impact Design, LLC, its business model, his own work history, and the relationship with the Plaintiffs. Mr. Albritton will also testify about the Impact Design's initial meetings with Signature Healthcare.

3. **Mike Alexander**
Strategic Partners, Inc.
9800 De Soto Avenue
Chatsworth, California 91311
1-818-671-2100

Will testify about the history of supplying scrubs to Impact Design, LLC and SPI's rejection of Lizard Apparel and Promotion's account application.

4. **Jim Case**
Strategic Partners, Inc.
9800 De Soto Avenue
Chatsworth, California 91311
1-818-671-2100

Will testify about the history of supplying scrubs to Impact Design, LLC and SPI's rejection of Lizard Apparel and Promotion's account application.

5. **Elizabeth Lybrook**
Lizard Apparel & Promotions, LLC
775 Congress Park Drive
Dayton, Ohio 45459
1-939-848-7100

Will testify about the basis for Plaintiffs' claims against Defendants.

6. **Debra Hanby**
ComDoc, Inc.
677 Raven Cove
Dayton, OH 45459

Will testify about her interactions with Impact Design, LLC while she either worked for or acted as an independent contractor for Lizard Apparel and Promotions, LLC. Will testify about the ACW platform and how it existed before Lizard Apparel and Promotions, LLC was even in existence. Will testify about the initial meeting with

Signature Healthcare and her involvement in getting the Signature Healthcare account and Mr. Albritton's presentation at that meeting to Signature Healthcare.

7. Mark Hume, or one or more representatives from IMX Solutions

IMX Solutions
10552 Success Lane, Suite D
Dayton, Ohio 45458
Phone: 937-436-4697

Will testify about Lizard Apparel and Promotions, LLC's development of its own platform after ACW was in existence.

8. Terry McGuire

Halo Branded Solutions
1980 Industrial Drive
Sterling, IL 61081
Phone: 815-625-0980

Will testify about Impact Design, LLC's e-commerce technology, its relationship with Halo Branded Solutions, HALO's relationship with Plaintiff Elizabeth Lybrook, the fact that HALO was unable to provide a solution for the Kettering account and referred Elizabeth Lybrook to Impact Design, LLC, and with the healthcare industry in general.

9. John Campbell

Halo Branded Solutions
1980 Industrial Drive
Sterling, IL 61081
Phone: 815-625-0980

Will testify about Impact Design, LLC's e-commerce technology, its relationship with Halo Branded Solutions, HALO's relationship with Plaintiff Elizabeth Lybrook, the fact that HALO was unable to provide a solution for the Kettering account and referred Elizabeth Lybrook to Impact Design, LLC, and with the healthcare industry in general.

10. Steve Boyd

Signature Healthcare
12201 Bluegrass Parkway
Louisville, Kentucky 40299

Will testify about Impact Design's services provided to Signature Healthcare as well as the relationship and contracts between the parties. He will also testify about the current operations and structure of InnovateLTC. He will also testify about Signature Healthcare's decision not to renew its contract with Lizard Apparel and Promotions, LLC.

11. Waylon Medaris

TJ Uniforms
1533 W. Tipton St.

Seymour, IN 47274

Will testify about his experience as independent contractor for Impact Design.

- 12. Karla Bachl**
Lehigh Valley Health Network
1627 W. Chew St.
Allentown, Pennsylvania 18104

Will testify about what Lizard Apparel & Promotions represented to Lehigh Valley Health Network in its pitch.

- 13. Jay McRee**
CID Resources
601 S Royal Ln Ste 100
Coppell, Texas 75019-3805

Will testify about what Plaintiffs told CID Resources about the development of the ACW Platform and Signature Healthcare in general.

- 14. Kyle Winger**
CID Resources
601 S Royal Ln Ste 100
Coppell, Texas 75019-3805

Will testify about what Plaintiffs told CID Resources about the development of the ACW Platform and Signature Healthcare in general.

- 15. Alicia Heazlitt**
Formerly employed by InnovateLTC and currently employed by Signature Healthcare
Address unknown at this time.

Will testify about InnovateLTC's current operations and what Impact Design, LLC's knowledge of its current operations.

- 16. Lori Newman**
Formerly employed as Signature Health Human Resource Director
Address unknown at this time.

Will testify about Impact Design, LLC's services provided to Signature Health and that she had to be convinced by Joshua Batz to keep Lizard Apparel & Promotions as a local sales representative.

- 17. Karen Church**
Dayton Children's Hospital
One Children's Place

Dayton, OH 45404

Will testify about the ACW solution that was provided to Dayton Children's Hospital and its new platform developed by Lizard Apparel & Promotions, LLC.

Dated: February 15th, 2017

Respectfully submitted,

/s/ Mark A. Olthoff

Mark A. Olthoff (pro hac vice)

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Attorneys for Defendants

CERTIFICATE OF SERVICE

I hereby certify that on this 15th day of February 2017, I electronically filed a copy of this document with the Clerk of Courts using the CM/ECF system, which will send notification of said filing to all counsel of record.

/s/ Mark A. Olthoff _____
Attorney for Defendants